Union Calendar No. 443

108TH CONGRESS 2D SESSION

H. R. 4593

[Report No. 108-720]

To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

June 16, 2004

Mr. Gibbons (for himself, Mr. Porter, and Ms. Berkley) introduced the following bill; which was referred to the Committee on Resources

OCTOBER 4, 2004

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed
[Strike out all after the enacting clause and insert the part printed in italic]
[For text of introduced bill, see copy of bill as introduced on June 16, 2004]

A BILL

To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- 2 tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

- 2 This Act may be cited as the "Lincoln County Con-
- 3 servation, Recreation, and Development Act of 2004".
- 4 SEC. 2. TABLE OF CONTENTS.
 - Sec. 1. Short title.
 - Sec. 2. Table of contents.

TITLE I—LAND DISPOSAL

- Sec. 101. Definitions.
- Sec. 102. Conveyance of Lincoln County land.
- Sec. 103. Disposition of proceeds.

TITLE II—WILDERNESS AREAS

- Sec. 201. Findings.
- Sec. 202. Definitions.
- Sec. 203. Additions to National Wilderness Preservation System.
- Sec. 204. Administration.
- Sec. 205. Adjacent management.
- Sec. 206. Military overflights.
- Sec. 207. Native American cultural and religious uses.
- Sec. 208. Release of wilderness study areas.
- Sec. 209. Wildlife management.
- Sec. 210. Wildfire management.
- Sec. 211. Climatological data collection.

TITLE III—UTILITY CORRIDORS

- Sec. 301. Utility corridor and rights-of-way.
- Sec. 302. Relocation of right-of-way and utility corridors located in Clark and Lincoln Counties in the State of Nevada.

TITLE IV—SILVER STATE OFF-HIGHWAY VEHICLE TRAIL

Sec. 401. Silver State Off-Highway Vehicle Trail.

TITLE V—OPEN SPACE PARKS

- Sec. 501. Open space park conveyance to Lincoln County, Nevada.
- Sec. 502. Open space park conveyance to the State of Nevada.

TITLE VI—JURISDICTION TRANSFER

Sec. 601. Transfer of administrative jurisdiction between the Fish and Wildlife Service and the Bureau of Land Management.

5 TITLE I—LAND DISPOSAL

- 6 SEC. 101. DEFINITIONS.
- 7 In this title:

1	(1) County.—The term "County" means Lin-
2	coln County, Nevada.
3	(2) MAP.—The term "map" means the map enti-
4	tled "Lincoln County Conservation, Recreation, and
5	Development Act Map" and dated June 14, 2004.
6	(3) Secretary.—The term "Secretary" means
7	the Secretary of the Interior.
8	(4) Special account.—The term "special ac-
9	count" means the special account established under
10	section $103(b)(3)$.
11	SEC. 102. CONVEYANCE OF LINCOLN COUNTY LAND.
12	(a) In General.—Notwithstanding sections 202 and
13	203 of the Federal Land Policy and Management Act of
14	1976 (43 U.S.C. 1711, 1712), the Secretary, in cooperation
15	with the County, in accordance with that Act, this title,
16	and other applicable law and subject to valid existing
17	rights, shall conduct sales of—
18	(1) the land described in subsection (b)(1) to
19	qualified bidders not later than 75 days after the date
20	of the enactment of this Act; and
21	(2) the land described in subsection (b)(2) to
22	qualified bidders as such land becomes avalable for
23	disposal.
24	(b) Description of Land.—The land referred to in
25	subsection (a) consists of—

1	(1) the land identified on the map as "Tract A"
2	and "Tract B" totaling approximately 13,328 acres;
3	and
4	(2) between 87,000 and 90,000 acres of Bureau
5	of Land Management-managed public land in Lin-
6	coln County identified for disposal by the Bureau of
7	Land Management either through—
8	(A) the Ely Resource Management Plan (in-
9	tended to be finalized in 2005); or
10	(B) a subsequent amendment to that land
11	use plan undertaken with full public involve-
12	ment.
13	(c) AVAILABILITY.—Each map and legal description
14	shall be on file and available for public inspection in (as
15	appropriate)—
16	(1) the Office of the Director of the Bureau of
17	Land Management;
18	(2) the Office of the Nevada State Director of the
19	Bureau of Land Management;
20	(3) the Ely Field Office of the Bureau of Land
21	Management; and
22	(4) the Caliente Field Station of the Bureau of
23	Land Management.
24	(d) Joint Selection Required.—The Secretary and
25	the County shall jointly select which parcels of land de-

1	$scribed in \ subsection \ (b)(2) \ to \ offer for \ sale \ under \ subsection$
2	(a).
3	(e) Compliance With Local Planning and Zoning
4	LAWS.—Before a sale of land under subsection (a), the
5	County shall submit to the Secretary a certification that
6	qualified bidders have agreed to comply with—
7	(1) County and city zoning ordinances; and
8	(2) any master plan for the area approved by the
9	County.
10	(f) Method of Sale; Consideration.—The sale of
11	land under subsection (a) shall be—
12	(1) through a competitive bidding process unless
13	otherwise determined by the Secretary; and
14	(2) for not less than fair market value.
15	(g) Withdrawal.—
16	(1) In general.—Subject to valid existing
17	rights and except as provided in paragraph (2), the
18	land described in subsection (b) is withdrawn from—
19	(A) all forms of entry and appropriation
20	under the public land laws, including the min-
21	ing laws; and
22	(B) operation of the mineral leasing and
23	geothermal leasing laws.
24	(2) Exception.—Paragraph (1)(A) shall not
25	apply to a competitive sale or an election by the

1	County to obtain the land described in subsection (b)
2	for public purposes under the Act of June 14, 1926
3	(43 U.S.C. 869 et seq; commonly known as the
4	"Recreation and Public Purposes Act").
5	(h) Deadline for Sale.—
6	(1) In general.—Except as provided in para-
7	graph (2), the Secretary shall—
8	(A) notwithstanding the Lincoln County
9	Land Act of 2000 (114 Stat. 1046), not later
10	than 75 days after the date of the enactment of
11	this title, offer by sale the land described in sub-
12	section (b)(1) if there is a qualified bidder for
13	such land; and
14	(B) offer for sale annually lands identified
15	for sale in subsection (b)(2) until such lands are
16	disposed of or unless the county requests a post-
17	ponement under paragraph (2).
18	(2) Postponement; exclusion from sale.—
19	(A) Request by county for postpone-
20	MENT OR EXCLUSION.—At the request of the
21	County, the Secretary shall postpone or exclude
22	from the sale all or a portion of the land de-
23	scribed in subsection $(b)(2)$.
24	(B) Indefinite postponement.—Unless
25	specifically requested by the County, a postpone-

1	ment under subparagraph (A) shall not be in-
2	definite.
3	SEC. 103. DISPOSITION OF PROCEEDS.
4	(a) Initial Land Sale.—Section 5 of the Lincoln
5	County Land Act of 2000 (114 Stat. 1047) shall apply to
6	the disposition of the gross proceeds from the sale of land
7	described in section 102.
8	(b) Subsequent Land Sales.—Of the gross proceeds
9	of the sale of the land described in section 102(b)(2)—
10	(1) 5 percent shall be paid directly to the State
11	for use in the general education program of the State;
12	(2) 45 percent shall be paid to the County for
13	use for economic development in the County, includ-
14	ing County parks, trails, and natural areas; and
15	(3) the remainder shall be deposited in a special
16	account in the Treasury of the United States and
17	shall be available without further appropriation to
18	the Secretary until expended for—
19	(A) the inventory, evaluation, protection,
20	and management of unique archaeological re-
21	sources (as defined in section 3 of the Archae-
22	ological Resources Protection Act of 1979 (16
23	$U.S.C.\ 470bb))\ of\ the\ County;$

1	(B) the development and implementation of
2	a multispecies habitat conservation plan for the
3	County; and
4	(C) the reimbursement of costs incurred by
5	the Nevada State Office and the Ely Field Office
6	of the Bureau of Land Management for—
7	(i) preparing for the sale of land under
8	section 103(a), including the costs of—
9	(I) conducting any land boundary
10	surveys;
11	(II) complying with the National
12	Environmental Policy Act of 1969 (42
13	U.S.C. 4321 et seq.);
14	(III) conducting any appraisals;
15	(IV) obtaining environmental and
16	cultural clearances; and
17	(V) providing public notice of the
18	sale;
19	(ii) processing public land use author-
20	izations and rights-of-way relating to the
21	development of the land conveyed under sec-
22	$tion \ 102(b)(2);$
23	(iii) processing the Silver State OHV
24	trail and implementing the management

1	plan required by section $401(c)(2)$ of this
2	Act; and
3	(iv) processing wilderness designations,
4	including but not limited to, the costs of ap-
5	propriate fencing, signage, public education,
6	and enforcement for the wilderness areas
7	designated.
8	(c) Investment of Special Account.—Any
9	amounts deposited in the special account shall earn interest
10	in an amount determined by the Secretary of the Treasury
11	on the basis of the current average market yield on out-
12	standing marketable obligations of the United States of
13	comparable maturities and may be expended according to
14	the provisions of this section.
15	TITLE II—WILDERNESS AREAS
16	SEC. 201. FINDINGS.
17	Congress finds that—
18	(1) public land in the County contains unique
19	and spectacular natural resources, including—
20	(A) priceless habitat for numerous species of
21	plants and wildlife; and
22	(B) thousands of acres of land that remain
23	in a natural state; and
24	(2) continued preservation of those areas would
25	benefit the County and all of the United States by—

1	(A) ensuring the conservation of ecologically
2	$diverse\ habitat;$
3	(B) protecting prehistoric cultural resources;
4	(C) conserving primitive recreational re-
5	sources; and
6	(D) protecting air and water quality.
7	SEC. 202. DEFINITIONS.
8	In this title:
9	(1) County.—The term "County" means Lin-
10	coln County, Nevada.
11	(2) Secretary.—The term "Secretary" means
12	the Secretary of the Interior.
13	(3) State.—The term "State" means the State
14	$of\ Nevada.$
15	SEC. 203. ADDITIONS TO NATIONAL WILDERNESS PRESER-
16	VATION SYSTEM.
17	(a) Additions.—The following land in the State is
18	designated as wilderness and as components of the National
19	Wilderness Preservation System:
20	(1) Mormon mountains wilderness.—Certain
21	Federal land managed by the Bureau of Land Man-
22	agement, comprising approximately 149,677 acres, as
23	generally depicted on the map entitled "Lincoln
24	County Conservation, Recreation, and Development

- 1 Act Map", dated September 20, 2004, which shall be 2 known as the "Mormon Mountains Wilderness".
- 3 (2) Meadow valley range wilderness.—Cer4 tain Federal land managed by the Bureau of Land
 5 Management, comprising approximately 124,833
 6 acres, as generally depicted on the map entitled
 7 "Southern Lincoln County Wilderness Map", dated
 8 June 1, 2004, which shall be known as the "Meadow
 9 Valley Range Wilderness".
 - (3) Delamar Mountains wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 111,389 acres, as generally depicted on the map entitled "Southern Lincoln County Wilderness Map", dated June 1, 2004, which shall be known as the "Delamar Mountains Wilderness".
 - (4) CLOVER MOUNTAINS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 85,757 acres, as generally depicted on the map entitled "Southern Lincoln County Wilderness Map", dated June 1, 2004, which shall be known as the "Clover Mountains Wilderness".
- 24 (5) SOUTH PAHROC RANGE WILDERNESS.—Cer-25 tain Federal land managed by the Bureau of Land

- Management, comprising approximately 25,638 acres,
 as generally depicted on the map entitled "Western
 Lincoln County Wilderness Map", dated June 1,
 2004, which shall be known as the "South Pahroc
 Range Wilderness".
 - (6) Worthington mountains wilderness.—
 Certain Federal land managed by the Bureau of
 Land Management, comprising approximately 30,936
 acres, as generally depicted on the map entitled
 "Western Lincoln County Wilderness Map", dated
 June 1, 2004, which shall be known as the "Worthington Mountains Wilderness".
 - (7) WEEPAH SPRING WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 51,117 acres, as generally depicted on the map entitled "Western Lincoln County Wilderness Map", dated June 1, 2004, which shall be known as the "Weepah Spring Wilderness".
 - (8) Parsnip Peak Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 45,837 acres, as generally depicted on the map entitled "Northern Lincoln County Wilderness Map", dated June 1, 2004, which shall be known as the "Parsnip Peak Wilderness".

- 1 (9) White Rock range wilderness.—Certain
 2 Federal land managed by the Bureau of Land Man3 agement, comprising approximately 24,413 acres, as
 4 generally depicted on the map entitled "Northern
 5 Lincoln County Wilderness Map", dated June 1,
 6 2004, which shall be known as the "White Rock
 7 Range Wilderness".
- 8 (10) FORTIFICATION RANGE WILDERNESS.—Cer9 tain Federal land managed by the Bureau of Land
 10 Management, comprising approximately 28,837 acres,
 11 as generally depicted on the map entitled "Northern
 12 Lincoln County Wilderness Map", dated June 1,
 13 2004, which shall be known as the "Fortification
 14 Range Wilderness".
 - (11) FAR SOUTH EGANS WILDERNESS.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 36,384 acres, as generally depicted on the map entitled "Northern Lincoln County Wilderness Map", dated June 1, 2004, which shall be known as the "Far South Egans Wilderness".
 - (12) Tunnel Spring Wilderness.—Certain Federal land managed by the Bureau of Land Management, comprising approximately 5,530 acres, as generally depicted on the map entitled "Southern

1	Lincoln County Wilderness Map", dated June 1,
2	2004, which shall be known as the "Tunnel Spring
3	Wilderness''.
4	(b) BOUNDARY.—The boundary of any portion of a
5	wilderness area designated by subsection (a) that is bor-
6	dered by a road shall be at least 100 feet from the edge
7	of the road to allow public access.
8	(c) Map and Legal Description.—
9	(1) In general.—As soon as practicable after
10	the date of enactment of this title, the Secretary shall
11	file a map and legal description of each wilderness
12	area designated by subsection (a) with the Committee
13	on Resources of the House of Representatives and the
14	Committee on Energy and Natural Resources of the
15	Senate.
16	(2) Effect.—Each map and legal description
17	shall have the same force and effect as if included in
18	this section, except that the Secretary may correct
19	clerical and typographical errors in the map or legal
20	description.
21	(3) AVAILABILITY.—Each map and legal descrip-
22	tion shall be on file and available for public inspec-
23	tion in (as appropriate)—
24	(A) the Office of the Director of the Bureau
25	$of\ Land\ Management;$

1	(B) the Office of the Nevada State Director
2	of the Bureau of Land Management;
3	(C) the Ely Field Office of the Bureau of
4	Land Management; and
5	(D) the Caliente Field Station of the Bu-
6	reau of Land Management.
7	(d) Withdrawal.—Subject to valid existing rights,
8	the wilderness areas designated by subsection (a) are with-
9	drawn from—
10	(1) all forms of entry, appropriation, and dis-
11	posal under the public land laws;
12	(2) location, entry, and patent under the mining
13	laws; and
14	(3) operation of the mineral leasing, mineral
15	materials, and geothermal leasing laws.
16	SEC. 204. ADMINISTRATION.
17	(a) Management.—Subject to valid existing rights,
18	each area designated as wilderness by this title shall be ad-
19	ministered by the Secretary in accordance with the Wilder-
20	ness Act (16 U.S.C. 1131 et seq.), except that—
21	(1) any reference in that Act to the effective date
22	shall be considered to be a reference to the date of the
23	enactment of this title; and

1	(2) any reference in that Act to the Secretary of
2	Agriculture shall be considered to be a reference to the
3	Secretary of the Interior.
4	(b) Livestock.—Within the wilderness areas des-
5	ignated under this title that are administered by the Bu-
6	reau of Land Management, the grazing of livestock in areas
7	in which grazing is established as of the date of enactment
8	of this title shall be allowed to continue, subject to such rea-
9	sonable regulations, policies, and practices that the Sec-
10	retary considers necessary, consistent with section $4(d)(4)$
11	of the Wilderness Act (16 U.S.C. 1133(d)(4)), including the
12	guidelines set forth in Appendix A of House Report 101–
13	405.
14	(c) Incorporation of Acquired Land and Inter-
15	ESTS.—Any land or interest in land within the boundaries
16	of an area designated as wilderness by this title that is ac-
17	quired by the United States after the date of the enactment
18	of this title shall be added to and administered as part of
19	the wildown one area within which the accomined land on inter-
	the wilderness area within which the acquired land or inter-
20	est is located.
20 21	
	est is located.
21	est is located. (d) Water Rights.—

1	and Great Basin Deserts, is arid in nature, and
2	$includes\ ephemeral\ streams;$
3	(B) the hydrology of the land designated as
4	wilderness by this title is predominantly charac-
5	terized by complex flow patterns and alluvial
6	fans with impermanent channels;
7	(C) the subsurface hydrogeology of the re-
8	gion is characterized by ground water subject to
9	local and regional flow gradients and unconfined
10	and artesian conditions;
11	(D) the land designated as wilderness by
12	this title is generally not suitable for use or de-
13	velopment of new water resource facilities; and
14	(E) because of the unique nature and hy-
15	drology of the desert land designated as wilder-
16	ness by this title, it is possible to provide for
17	proper management and protection of the wilder-
18	ness and other values of lands in ways different
19	from those used in other legislation.
20	(2) Statutory construction.—Nothing in this
21	title—
22	(A) shall constitute or be construed to con-
23	stitute either an express or implied reservation
24	by the United States of any water or water

1	rights with respect to the land designated as wil-
2	derness by this title;
3	(B) shall affect any water rights in the
4	State existing on the date of the enactment of
5	this title, including any water rights held by the
6	United States;
7	(C) shall be construed as establishing a
8	precedent with regard to any future wilderness
9	designations;
10	(D) shall affect the interpretation of, or any
11	designation made pursuant to, any other Act; or
12	(E) shall be construed as limiting, altering,
13	modifying, or amending any of the interstate
14	compacts or equitable apportionment decrees that
15	apportion water among and between the State
16	and other States.
17	(3) Nevada water law.—The Secretary shall
18	follow the procedural and substantive requirements of
19	the law of the State in order to obtain and hold any
20	water rights not in existence on the date of enactment
21	of this title with respect to the wilderness areas des-
22	ignated by this title.
23	(4) New projects.—

1	(A) Water resource facility.—As used
2	in this paragraph, the term "water resource fa-
3	cility"—
4	(i) means irrigation and pumping fa-
5	cilities, reservoirs, water conservation
6	works, aqueducts, canals, ditches, pipelines,
7	wells, hydropower projects, and trans-
8	mission and other ancillary facilities, and
9	other water diversion, storage, and carriage
10	structures; and
11	(ii) does not include wildlife guzzlers.
12	(B) Restriction on New Water Re-
13	source facilities.—Except as otherwise pro-
14	vided in this Act, on and after the date of the
15	enactment of this Act, neither the President nor
16	any other officer, employee, or agent of the
17	United States shall fund, assist, authorize, or
18	issue a license or permit for the development of
19	any new water resource facility within the wil-
20	derness areas designated by this Act.
21	SEC. 205. ADJACENT MANAGEMENT.
22	(a) In General.—Congress does not intend for the
23	designation of wilderness in the State pursuant to this title
24	to lead to the creation of protective perimeters or buffer
25	zones around any such wilderness area.

1	(b) Nonwilderness Activities.—The fact that non-
2	wilderness activities or uses can be seen or heard from areas
3	within a wilderness designated under this title shall not
4	preclude the conduct of those activities or uses outside the
5	boundary of the wilderness area.
6	SEC. 206. MILITARY OVERFLIGHTS.
7	Nothing in this title restricts or precludes—
8	(1) low-level overflights of military aircraft over
9	the areas designated as wilderness by this title, in-
10	cluding military overflights that can be seen or heard
11	within the wilderness areas;
12	(2) flight testing and evaluation; or
13	(3) the designation or creation of new units of
14	special use airspace, or the establishment of military
15	flight training routes, over the wilderness areas.
16	SEC. 207. NATIVE AMERICAN CULTURAL AND RELIGIOUS
17	USES.
18	Nothing in this title shall be construed to diminish the
19	rights of any Indian tribe. Nothing in this title shall be
20	construed to diminish tribal rights regarding access to Fed-
21	eral land for tribal activities, including spiritual, cultural,
22	and traditional food-gathering activities.
23	SEC. 208. RELEASE OF WILDERNESS STUDY AREAS.
24	(a) Finding.—Congress finds that, for the purposes of
25	section 603 of the Federal Land Policy and Management

1	Act of 1976 (43 U.S.C. 1782), the public land in the County
2	administered by the Bureau of Land Management in the
3	following areas has been adequately studied for wilderness
4	designation:
5	(1) The Table Mountain Wilderness Study Area.
6	(2) Evergreen A, B, and C Wilderness Study
7	Areas.
8	(3) Any portion of the wilderness study areas—
9	(A) not designated as wilderness by section
10	204(a); and
11	(B) depicted as released on—
12	(i) the map entitled "Northern Lincoln
13	County Wilderness Map" and dated June 1,
14	2004;
15	(ii) the map entitled "Southern Lin-
16	coln County Wilderness Map" and dated
17	June 1, 2004; or
18	(iii) the map entitled "Western Lin-
19	coln County Wilderness Map" and dated
20	June 1, 2004.
21	(b) Release.—Any public land described in sub-
22	section (a) that is not designated as wilderness by this
23	title—

1	(1) is no longer subject to section 603(c) of the
2	Federal Land Policy and Management Act of 1976
3	$(43\ U.S.C.\ 1782(c));$
4	(2) shall be managed in accordance with—
5	(A) land management plans adopted under
6	section 202 of that Act (43 U.S.C. 1712); and
7	(B) existing cooperative conservation agree-
8	ments; and
9	(3) shall be subject to the Endangered Species
10	Act of 1973 (16 U.S.C. 1531 et seq.).
11	SEC. 209. WILDLIFE MANAGEMENT.
12	(a) In General.—In accordance with section 4(d)(7)
13	of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in
14	this title affects or diminishes the jurisdiction of the State
15	with respect to fish and wildlife management, including the
16	regulation of hunting, fishing, and trapping, in the wilder-
17	ness areas designated by this title.
18	(b) Management Activities.—In furtherance of the
19	purposes and principles of the Wilderness Act, management
20	activities to maintain or restore fish and wildlife popu-
21	lations and the habitats to support such populations may
22	be carried out within wilderness areas designated by this
23	title where consistent with relevant wilderness management
24	plans, in accordance with appropriate policies such as those
25	set forth in Appendix B of House Report 101-405, includ-

- 1 ing the occasional and temporary use of motorized vehicles,
- 2 if such use, as determined by the Secretary, would promote
- 3 healthy, viable, and more naturally distributed wildlife
- 4 populations that would enhance wilderness values and ac-
- 5 complish those purposes with the minimum impact nec-
- 6 essary to reasonably accomplish the task.
- 7 (c) Existing Activities.—Consistent with section
- **8** 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in
- 9 accordance with appropriate policies such as those set forth
- 10 in Appendix B of House Report 101–405, the State may
- 11 continue to use aircraft, including helicopters, to survey,
- 12 capture, transplant, monitor, and provide water for wildlife
- 13 populations, including bighorn sheep, and feral stock,
- 14 horses, and burros.
- 15 (d) Wildlife Water Development Projects.—
- 16 Subject to subsection (f), the Secretary shall authorize struc-
- 17 tures and facilities, including existing structures and facili-
- 18 ties, for wildlife water development projects, including guz-
- 19 zlers, in the wilderness areas designated by this Act if—
- 20 (1) the structures and facilities will, as deter-
- 21 mined by the Secretary, enhance wilderness values by
- 22 promoting healthy, viable, and more naturally dis-
- 23 tributed wildlife populations; and

- 1 (2) the visual impacts of the structures and fa-
- 2 cilities on the wilderness areas can reasonably be
- 3 *minimized*.
- 4 (e) Hunting, Fishing, and Trapping.—In consulta-
- 5 tion with the appropriate State agency (except in emer-
- 6 gencies), the Secretary may designate by regulation areas
- 7 in which, and establish periods during which, for reasons
- 8 of public safety, administration, or compliance with appli-
- 9 cable laws, no hunting, fishing, or trapping will be per-
- 10 mitted in the wilderness areas designated by this Act.
- 11 (f) Cooperative Agreement.—The terms and condi-
- 12 tions under which the State, including a designee of the
- 13 State, may conduct wildlife management activities in the
- 14 wilderness areas designated by this title are specified in the
- 15 cooperative agreement between the Secretary and the State,
- 16 entitled "Memorandum of Understanding between the Bu-
- 17 reau of Land Management and the Nevada Department of
- 18 Wildlife Supplement No. 9," and signed November and De-
- 19 cember 2003, including any amendments to that document
- 20 agreed upon by the Secretary and the State and subject to
- 21 all applicable laws and regulations. Any references to Clark
- 22 County in that document shall also be deemed to be referred
- 23 to and shall apply to Lincoln County, Nevada.

SEC. 210. WILDFIRE MANAGEMENT.

- 2 Consistent with section 4 of the Wilderness Act (16
- 3 U.S.C. 1133), nothing in this title precludes a Federal,
- 4 State, or local agency from conducting wildfire manage-
- 5 ment operations (including operations using aircraft or
- 6 mechanized equipment) to manage wildfires in the wilder-
- 7 ness areas designated by this title.

8 SEC. 211. CLIMATOLOGICAL DATA COLLECTION.

- 9 Subject to such terms and conditions as the Secretary
- 10 may prescribe, nothing in this title precludes the installa-
- 11 tion and maintenance of hydrologic, meteorologic, or cli-
- 12 matological collection devices in the wilderness areas des-
- 13 ignated by this title if the facilities and access to the facili-
- 14 ties are essential to flood warning, flood control, and water
- 15 reservoir operation activities.

16 TITLE III—UTILITY CORRIDORS

- 17 SEC. 301. UTILITY CORRIDOR AND RIGHTS-OF-WAY.
- 18 (a) Utility Corridor.—
- 19 (1) In General.—Consistent with title II of the
- Act and notwithstanding sections 202 and 503 of the
- 21 Federal Land Policy and Management Act of 1976
- 22 (43 U.S.C. 1711, 1763), the Secretary of the Interior
- 23 (referred to in this section as the "Secretary") shall
- establish on public land a 2,640-foot wide corridor for
- 25 utilities in Lincoln County and Clark County, Ne-
- vada, as generally depicted on the map entitled "Lin-

1	coln County Conservation, Recreation, and Develop-
2	ment Act", and dated June 14, 2004.
3	(2) AVAILABILITY.—Each map and legal descrip-
4	tion shall be on file and available for public inspec-
5	tion in (as appropriate)—
6	(A) the Office of the Director of the Bureau
7	$of\ Land\ Management;$
8	(B) the Office of the Nevada State Director
9	of the Bureau of Land Management;
10	(C) the Ely Field Office of the Bureau of
11	Land Management; and
12	(D) the Caliente Field Station of the Bu-
13	reau of Land Management.
14	(b) Rights-of-Way.—
15	(1) In General.—Notwithstanding sections 202
16	and 503 of the Federal Land Policy and Management
17	Act of 1976 (43 U.S.C. 1711, 1763) and subject to
18	valid existing rights, the Secretary shall grant to the
19	Southern Nevada Water Authority and the Lincoln
20	County Water District nonexclusive rights-of-way to
21	Federal land in Lincoln County and Clark County,
22	Nevada, for any roads, wells, well fields, pipes, pipe-
23	lines, pump stations, storage facilities, or other facili-
24	ties and systems that are necessary for the construc-

1	tion and operation of a water conveyance system, as
2	depicted on the map.
3	(2) APPLICABLE LAW.—A right-of-way granted
4	under paragraph (1) shall be granted in perpetuity
5	and shall not require rental payment.
6	(3) Compliance with Nepa.—Before granting a
7	right-of-way under paragraph (1), the Secretary shall
8	comply with the National Environmental Policy Act
9	of 1969 (42 U.S.C. 4321 et seq.), including the identi-
10	fication and consideration of potential impacts to fish
11	and wildlife resources and habitat.
12	(c) Withdrawal.—Subject to valid existing rights,
13	the utility corridors designated by subsection (a) are with-
14	drawn from—
15	(1) all forms of entry, appropriation, and dis-
16	posal under the public land laws;
17	(2) location, entry, and patent under the mining
18	laws; and
19	(3) operation of the mineral leasing, mineral
20	materials, and geothermal leasing laws.
21	(d) State Water Law.—Nothing in this title shall—
22	(1) prejudice the decisions or abrogate the juris-
23	diction of the Nevada State Engineer with respect to
24	the appropriation, permitting, certification, or adju-
25	dication of water rights;

1	(2) preempt Nevada State water law; or
2	(3) limit or supersede existing water rights or
3	interest in water rights under Nevada State law.
4	(e) Water Resources Study.—
5	(1) In general.—The Secretary, acting through
6	the United States Geological Survey and the Desert
7	Research Institute, shall conduct a study to inves-
8	tigate ground water quantity, quality, and flow char-
9	acteristics in the deep carbonate and alluvial aquifers
10	of White Pine County, Nevada. The study shall—
11	(A) include new and review of existing
12	data;
13	(B) determine the volume of water stored in
14	aquifers in those areas;
15	(C) determine the discharge and recharge
16	characteristics of each aquifer system;
17	(D) determine the hydrogeologic and other
18	controls that govern the discharge and recharge
19	of each aquifer system; and
20	(E) develop maps at a consistent scale de-
21	picting aquifer systems and the recharge and
22	discharge areas of such systems.
23	(2) Timing; Availability.—The Secretary shall
24	complete a draft of the water resources report required
25	under paragraph (1) not later than 30 months after

1	the date of the enactment of this Act. The Secretary
2	shall then make the draft report available for public
3	comment for a period of not less than 60 days. The
4	final report shall be submitted to the Committee on
5	Resources in the House of Representatives and the
6	Committee on Energy and Natural Resources in the
7	Senate and made available to the public not later
8	than 36 months after the date of the enactment of this
9	Act.
10	SEC. 302. RELOCATION OF RIGHT-OF-WAY AND UTILITY
11	CORRIDORS LOCATED IN CLARK AND LIN-
12	COLN COUNTIES IN THE STATE OF NEVADA.
13	(a) Definitions.—In this section:
14	(1) AGREEMENT.—The term "Agreement" means
15	the land exchange agreement between Aerojet-General
16	Corporation and the United States, dated July 14,
17	1988.
18	(2) Corridor.—The term "corridor" means—
19	(A) the right-of-way corridor that is—
20	(i) identified in section $5(b)(1)$ of the
21	Nevada-Florida Land Exchange Authoriza-
22	tion Act of 1988 (102 Stat. 55); and
23	(ii) described in section 14(a) of the
24	Agreement;

- 1 (B) such portion of the utility corridor 2 identified in the 1988 Las Vegas Resource Man-3 agement Plan located south of the boundary of 4 the corridor described in subparagraph (A) as is 5 necessary to relocate the right-of-way corridor to 6 the area described in subsection (c)(2); and
 - (C) such portion of the utility corridor identified in the 2000 Caliente Management Framework Plan Amendment located north of the boundary of the corridor described in subparagraph (A) as is necessary to relocate the right-of-way corridor to the area described in subsection (c)(2).
 - (3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(b) Relinquishment and Fair Market Value.—

(1) IN GENERAL.—The Secretary shall, in accordance with this section, relinquish all right, title, and interest of the United States in and to the portion of the corridor described in section 302(a)(2)(A) not later than 30 days after receipt of a payment in an amount equal to the fair market value of the corridor (plus any costs relating to the right-of-way relocation described in this title).

(2) Fair market value.—

1	(A) In General.—The fair market value of
2	the corridor shall be equal to the amount by
3	which the value of the discount described in the
4	1988 appraisal of the corridor that was applied
5	to the land underlying the corridor has in-
6	creased, as determined by the Secretary using the
7	multiplier determined under subparagraph (B).
8	(B) Multiplier.—Not later than 60 days
9	after the date of enactment of this Act, the Ap-
10	praisal Services Directorate of the Department of
11	the Interior shall determine an appropriate mul-
12	tiplier to reflect the change in the value of the
13	land underlying the corridor between—
14	(i) the date on which the corridor was
15	transferred in accordane with the Agree-
16	ment; and
17	(ii) the date of enactment of this Act.
18	(3) Proceeds under this subsection
19	shall be deposited in the account established under
20	section 103.
21	(c) Relocation.—
22	(1) In general.—The Secretary shall relocate to
23	the area described in paragraph (2), the portion of
24	IDI-26446 and UTU-73363 identified as NVN-

1	49781 that is located in the corridor relinquished
2	$under\ subsection\ (b)(1).$
3	(2) Description of Area.—The area referred
4	to in paragraph (1) is the area located on public land
5	west of United States Route 93.
6	(3) Requirements.—The relocation under
7	paragraph (1) shall be conducted in a manner that—
8	(A) minimizes engineering design changes;
9	and
10	(B) maintains a gradual and smooth inter-
11	connection of the corridor with the area described
12	in paragraph (2).
13	(4) Authorized uses.—The Secretary may au-
14	thorize the location of any above ground or under-
15	ground utility facility, transmission lines, gas pipe-
16	lines, natural gas pipelines, fiber optics, telecommuni-
17	cations, water lines, wells (including monitoring
18	wells), cable television, and any related appur-
19	tenances in the area described in paragraph (1).
20	(d) Effect.—The relocation of the corridor under this
21	section shall not require the Secretary to update the 1998
22	Las Vegas Valley Resource Management Plan or the 2000
23	$Caliente\ Management\ Framework\ Plan\ Amendment.$
24	(e) Waiver of Certain Requirements.—The Sec-
25	retary shall waive the requirements of the Federal Land

1	Policy and Management Act of 1976 (43 U.S.C. 1701 et
2	seq.) that would otherwise be applicable to the holders of
3	the right-of-way corridor described in subsection (a)(2)(A)
4	with respect to an amendment to the legal description of
5	the right-of-way corridor.
6	TITLE IV—SILVER STATE OFF-
7	HIGHWAY VEHICLE TRAIL
8	SEC. 401. SILVER STATE OFF-HIGHWAY VEHICLE TRAIL.
9	(a) Definitions.—In this section:
10	(1) Secretary.—The term "Secretary" means
11	the Secretary of the Interior.
12	(2) MAP.—The term "Map" means the map enti-
13	tled "Lincoln County Conservation, Recreation and
14	Development Act Map" and dated June 14, 2004.
15	(3) TRAIL.—The term "Trail" means the system
16	of trails designated in subsection (b) as the Silver
17	State Off-Highway Vehicle Trail.
18	(b) Designation.—The trails that are generally de-
19	picted on the Map are hereby designated as the "Silver
20	State Off-Highway Vehicle Trail".
21	(c) Management.—
22	(1) In general.—The Secretary shall manage
23	the Trail in a manner that—
24	(A) is consistent with motorized and mecha-
25	nized use of the Trail that is authorized on the

1	date of the enactment of this title pursuant to
2	applicable Federal and State laws and regula-
3	tions;
4	(B) ensures the safety of the people who use
5	the Trail; and
6	(C) does not damage sensitive habitat or
7	cultural resources.
8	(2) Management plan.—
9	(A) In general.—Not later than 3 years
10	after the date of the enactment of this title, the
11	Secretary, in consultation with the State, the
12	County, and any other interested persons, shall
13	complete a management plan for the Trail.
14	(B) Components.—The management plan
15	shall—
16	(i) describe the appropriate uses and
17	management of the Trail;
18	(ii) authorize the use of motorized and
19	mechanized vehicles on the Trail; and
20	(iii) describe actions carried out to pe-
21	riodically evaluate and manage the appro-
22	priate levels of use and location of the Trail.
23	(3) Monitoring and Evaluation.—
24	(A) Annual assessment.—The Secretary
25	shall annually assess the effects of the use of off-

1	highway vehicles on the Trail and, in consulta-
2	tion with the Nevada Division of Wildlife, assess
3	the effects of the Trail on wildlife and wildlife
4	habitat to minimize environmental impacts and
5	prevent damage to cultural resources from the
6	use of the Trail.
7	(B) Closure.—The Secretary, in consulta-
8	tion with the State and the County, may tempo-
9	rarily close or permanently reroute, subject to
10	subparagraph (C), a portion of the Trail if the
11	Secretary determines that—
12	(i) the Trail is having an adverse im-
13	pact on—
14	(I) natural resources; or
15	$(II)\ cultural\ resources;$
16	(ii) the Trail threatens public safety;
17	(iii) closure of the Trail is necessary to
18	repair damage to the Trail; or
19	(iv) closure of the Trail is necessary to
20	repair resource damage.
21	(C) Rerouting.—Portions of the Trail that
22	are temporarily closed may be permanently re-
23	routed along existing roads and trails on public
24	lands currently open to motorized use if the Sec-
25	retary determines that such rerouting will not

- 1 significantly increase or decrease the length of 2 the Trail.
- 3 (D) Notice.—The Secretary shall provide 4 information to the public regarding any routes 5 on the Trail that are closed under subparagraph 6 (B), including by providing appropriate signage 7 along the Trail.
- 8 (4) Notice of open routes.—The Secretary 9 shall ensure that visitors to the Trail have access to 10 adequate notice regarding the routes on the Trail that 11 are open through use of appropriate signage along the 12 Trail and through the distribution of maps, safety 13 education materials, and other information consid-14 ered appropriate by the Secretary.
- 15 (d) No Effect on Non-Federal Land and Inter-16 Ests in Land.—Nothing in this section shall be construed 17 to affect ownership, management, or other rights related to 18 non-Federal land or interests in land.
- (e) MAP ON FILE.—The Map shall be kept on file atthe appropriate offices of the Secretary.
- 21 (f) AUTHORIZATION OF APPROPRIATIONS.—There are 22 authorized to be appropriated such sums as are necessary 23 to carry out this section.

1 TITLE V—OPEN SPACE PARKS

2	SEC. 501. OPEN SPACE PARK CONVEYANCE TO LINCOLN
3	COUNTY, NEVADA.
4	(a) Conveyance.—Notwithstanding section 202 and
5	203 of the Federal Land Policy and Management Act of
6	1976 (43 U.S.C. 1171, 1712), the Secretary may convey to
7	the County, subject to valid existing rights, for no consider-
8	ation, all right title, and interest of the United States in
9	and to the parcels of land described in subsection (b).
10	(b) Description of Land.—The parcels of land re-
11	ferred to in subsection (a) are the parcels of land depicted
12	as "Lincoln County Parks Proposal" on the map entitled
13	"Lincoln County Conservation, Recreation, and Develop-
14	ment Act Map" and dated June 14, 2004.
15	(c) Costs.—Any costs relating to any conveyance
16	under subsection (a), including costs for surveys and other
17	administrative costs, shall be paid by the County, or in ac-
18	$cordance\ with\ section\ 104(b)(2)\ of\ this\ Act.$
19	(d) Use of Land.—
20	(1) In general.—Any parcel of land conveyed
21	to the County under subsection (a) shall be used only
22	for—
23	(A) the conservation of natural resources; or
24	(B) public parks.

- 1 (2) Facilities.—Any facility on a parcel of
- 2 land conveyed under subsection (a) shall be con-
- 3 structed and managed in a manner consistent with
- 4 the uses described in paragraph (1).
- 5 (e) Reversion.—If a parcel of land conveyed under
- 6 subsection (a) is used in a manner that is inconsistent with
- 7 the uses specified in subsection (d), the parcel of land shall,
- 8 at the discretion of the Secretary, revert to the United
- 9 States.
- 10 SEC. 502. OPEN SPACE PARK CONVEYANCE TO THE STATE
- 11 **OF NEVADA.**
- 12 (a) Conveyance.—Notwithstanding section 202 of the
- 13 Federal Land Policy and Management Act of 1976 (43
- 14 U.S.C. 1712), the Secretary shall convey to the State of Ne-
- 15 vada, subject to valid existing rights, for no consideration,
- 16 all right, title, and interest of the United States in and to
- 17 the parcels of land described in subsection (b), if there is
- 18 a written agreement between the State and Lincoln County,
- 19 Nevada, supporting such a conveyance.
- 20 (b) Description of Land.—The parcels of land re-
- 21 ferred to in subsection (a) are the parcels of land depicted
- 22 as "NV St. Park Expansion Proposal" on the map entitled
- 23 "Lincoln County Conservation, Recreation, and Develop-
- 24 ment Act Map" and dated June 14, 2004.

1	(c) Costs.—Any costs relating to any conveyance
2	under subsection (a), including costs for surveys and other
3	administrative costs, shall be paid by the State.
4	(d) Use of Land.—
5	(1) In General.—Any parcel of land conveyed
6	to the State under subsection (a) shall be used only
7	for—
8	(A) the conservation of natural resources; or
9	(B) public parks.
10	(2) Facilities.—Any facility on a parcel of
11	land conveyed under subsection (a) shall be con-
12	structed and managed in a manner consistent with
13	the uses described in paragraph (1).
14	(e) REVERSION.—If a parcel of land conveyed under
15	subsection (a) is used in a manner that is inconsistent with
16	the uses specified in subsection (d), the parcel of land shall,
17	at the discretion of the Secretary, revert to the United
18	States.
19	TITLE VI—JURISDICTION
20	TRANSFER
21	SEC. 601. TRANSFER OF ADMINISTRATIVE JURISDICTION
22	BETWEEN THE FISH AND WILDLIFE SERVICE
23	AND THE BUREAU OF LAND MANAGEMENT.
24	(a) In General.—Administrative jurisdiction over
25	the land described in subsection (b) is transferred from the

- 1 United States Bureau of Land Management to the United
- 2 States Fish and Wildlife Service for inclusion in the Desert
- 3 National Wildlife Range and the administrative jurisdic-
- 4 tion over the land described in subsection (c) is transferred
- 5 from the United States Fish and Wildlife Service to the
- 6 United States Bureau of Land Management.
- 7 (b) Description of Land.—The parcel of land re-
- 8 ferred to in subsection (a) is the approximately 8,503 acres
- 9 of land administered by the United States Bureau of Land
- 10 Management as generally depicted on the map entitled
- 11 "Lincoln County Conservation, Recreation, and Develop-
- 12 ment Act Map" and identified as "Lands to be transferred
- 13 to the Fish and Wildlife Service" and dated June 14, 2004.
- 14 (c) Description of Land.—The parcel of land re-
- 15 ferred to in subsection (a) is the approximately 8,382 acres
- 16 of land administered by the United States Fish and Wildlife
- 17 Service as generally depicted on the map entitled "Lincoln
- 18 County Conservation, Recreation, and Development Act
- 19 Map" and identified as "Lands to be transferred to the Bu-
- 20 reau of Land Management" and dated June 14, 2004.
- 21 (d) AVAILABILITY.—Each map and legal description
- 22 shall be on file and available for public inspection in (as
- 23 appropriate)—
- 24 (1) the Office of the Director of the Bureau of
- 25 Land Management;

1	(2) the Office of the Nevada State Director of the
2	Bureau of Land Management;
3	(3) the Ely Field Office of the Bureau of Land
4	Management; and
5	(4) the Caliente Field Station of the Bureau of
6	Land Management.

Union Calendar No. 443

108TH CONGRESS H. R. 4593

[Report No. 108-720]

A BILL

To establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes.

OCTOBER 4, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed